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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/915,114

07/25/2001

Thomas Lemmons

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07/23/2007

OPTV/MOFO

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EXAMINER

BUI, KIEU OANH T

ART UNIT

PAPER NUMBER

2623

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DELIVERY MODE

07/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/915,114	LEMMONS, THOMAS	
	Examiner	Art Unit	
	KIEU-OANH BUI	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to pending claims 1-15, 18-25, and 30-55 filed on 05/17/2007 have been fully considered but they are not persuasive.

Applicant argues that the examiner quotes Fig. 2 of Estipona and corresponding paragraphs in the previous office action related to "television channel", and applicant's application is not limited to a "television channel." Then, looking back the claims, the examiner is quite unclear which system the applicant is addressing about; and the claims are clearly under 35 USC 112 (see the following section).

Concerning claim 13, applicant quotes that Estipona does not teach URLs or altering Urls associated with transport type A, and it seems that the applicant does not take a closer look at the cited paragraph; and the examiner would like to further explain that cited paragraph as Estipona teaches Transport type A use two-way internet connection to fetch resources using http://; and http:/ referred to URLs to resources available on the Internet – this shows that the URL contained in the video information being altered or changed as the transferring of video using type A transport since the URLs being fetched constantly).

Therefore, the examiner respectfully disagrees with the applicant's argument and stands with the teaching of Estipona's reference, not limited to the cited paragraphs from the examiner but also to the entire reference of Estipona, whether it is inherently, suggesting, teaching and/or disclosing a feature(s) which can be read on any claiming feature of the present application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-15, 18-25, and 30-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding “a second channel” through out the claims, the applicant admits that “the second channel” which is not limited to “a television channel” (see Remarks, page labeled “page 9”) but then the applicant is totally silent the “channel” referred to which system and/or to what extent – in those claiming languages.

The terms such as “a first channel”, “a second channel”, “a first frequency”, “a second frequency” etc. in the claims (which understood claiming to be parts of any system) are relative terms which renders the claim indefinite. The terms are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections – 35 USC 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

5. Claims 1-15, 19-25, 31-32, 34-36, 38-39, 42-45, 50-51, and 54-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Estipona (U.S. Patent No. 6,795,973 B1).

In regard to claim 1, Estipona discloses a method and apparatus for delivering enhancement data over a separate delivery mechanism. The claimed steps of “transmitting a video program and at least one trigger employing a first television channel operating at a first frequency” and “transmitting enhancement data employing a second television channel operating at a second frequency” are met (as shown in Figs. 1 & 4 and col. 3/line 45 to col. 4/line 28 as the video and at least one trigger are transmitted in transport type A employing television service or broadcast channels; and the enhancement data employing a second television channel operating at a second frequency is admitted as prior art in the conventional NTSC frequency map of Fig. 2, refer to specs, page 3/line 23 to page 4/line 21).

In regard to claims 2-3, 16-17 and 26-27, Estipona discloses the use of a first frequency for television service channels, and the second frequency does not correspond to the frequency

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for a television service channel; and only a portion of the second channel is utilized for the enhancement data (refer back to claim 1 above for the same reasons).

In regard to claims 4, 7, 9 and 55, Estipona discloses conforming to the ATVEF specification (col. 2/lines 49-64).

In regard to claim 5, Estipona discloses transmitting enhancement data over a general-purpose data link or a service channel and inherently discloses that the second channel is of smaller bandwidth than the primary or first channel since this is admitted as prior art in the specifications, pages 2-3 and Figure 2.

In regard to claims 6, 11, 19, 24, 29 and 44, the claimed limitation of “transmitting display channel instructions with the enhancement data, wherein said display channel instructions indicate at least one service channel with which said enhancement data may be associated” is met by Figs. 1 & 4, col. 1/lines 40-43, and col. 5/line 40 to col. 6/line 11 for triggers and announcements.

In regard to claims 8 and 54, the claimed limitation of “transmitting display time instructions with the enhancement data, wherein said display time instructions indicate at least one time at which said enhancement data may be rendered” is met by Estipona with Figures 1 & 4 and col. 1/lines 40-43 & col. 3/line 54 to col. 4/line 28 for triggers, announcements.

In regard to claims 10 and 12, Estipona discloses, “enhanced content may be rendered independent of the channel currently viewed by a user” and “enhanced content may be rendered independent of the channel currently viewed by a user” (col. 4/lines 17-28, triggers may or may not include in the broadcast video stream, and it reveals the enhanced content may be rendered independently of the currently viewed channel).

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In regard to claim 13, the claimed limitations of “transferring video information, compliant with the ATVEF standard for type A transport, to a transmission system”, “altering a URL contained in said video information” and “transmitting said video information” are met by Estipona (col. 3/lines 5-67 as Transport type A use two-way internet connection to fetch resources using http://; and http:/ referred to URLs to resources available on the Internet – this shows that the URL contained in the video information being altered or changed as the transferring of video using type A transport since the URLs being fetched constantly).

In regard to claim 14, only the host name is changed because the substitution changes the link provided to the user. Time, channel and other attribute information are not changed.

In regard to claim 15, the claimed limitation of “removing said enhanced data from said video information to produce said video program comprising non-enhanced video information” is disclosed by Estipona (col. 5/lines 40-63 & col. 7/lines 5-24 as the triggers are extracted at the receiver for producing the video program comprising non-enhanced video information).

In regard to claims 20-23, 38 and 42-43, Estipona does disclose replacing the enhancement data with other enhancement data; Estipona discloses that the enhancement data is accessed employing a network connection; Estipona discloses that the other enhancement data is accessed on a real-time basis, and discloses that the enhancement data is stored at the headend (col. 4/line 61 to col. 5/line 63 & col. 6/lines 29-65 for URL locations and triggers replacements for updated or different URL locations in real time, the resource is at headend).

Claims 25, 31, 34-36, 39 and 45 are met by that discussed above for claim 1.

Enhancement data associated with the video program is accessed at the headend (resource stream

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20, col. 3/lines 9-24 as triggers as “enhancement data” associated with audio/video stream at resources).

In regard to claim 32, Estipona discloses that the enhancement data is stored at the headend (col. 3/lines 8-34 for triggers and storage medium 24).

In regard to claims 50 and 51, Estipona discloses storing part of the enhancement data in allocated storage local to the receiver (col. 4/line 61 to col. 5/line 17 as storage medium 24 is local to the user, not an external web server).

In regard to claim 54, the claimed limitation of a “program code is further operable to render an enhancement employing time information contained in said enhancement data” is met by Figures 1 & 4, and col. 1/lines 40-43, and col. 5/line 40 to col. 6/line 11 for triggers and announcements.

Claim Rejections - 35 USC 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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7. Claims 18, 30, 33, 37, 40-41, 46-49, 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Estipona (U.S. Patent No. 6,795,973 B1).

In regard to claims 18, 30, 33, 37, 52 and 53, Estipona does not disclose that the enhancement data is compressed prior to transmission and subsequently decompressed upon being received. However, the examiner takes Official Notice that it is notoriously well known in the art to compress data prior to transmission and decompressing the compressed data upon being received so as to make efficient use of the system's available bandwidth. Consequently, it would have been obvious to one of ordinary skill in the art to modify Estipona's with the aforementioned data compression for the stated advantage.

In regard to claims 40-41 and 46-49, Estipona does not further disclose an adjustable tuner for receiving varied frequencies. However, the examiner takes Official Notice that it is notoriously well known in the art to use an adjustable tuner for receiving varied frequencies so as to take advantage of frequency division multiplexing. Consequently, it would have been obvious to one of ordinary skill in the art to modify Estipona's with an adjustable tuner for receiving varied frequencies for the stated advantage.

Conclusion

8. **Any response to this action should be mailed to:**
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to PTO New Central Fax number:
(571) 273-8300, (for Technology Center 2600 only)

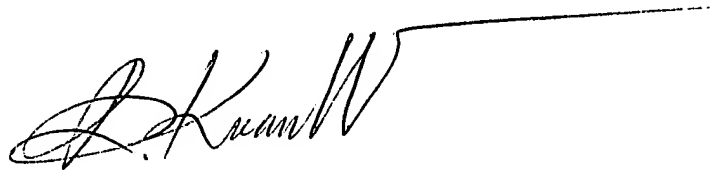
*Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, which alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal line extending to the right.

Kieu-Oanh Bui
Primary Examiner
Art Unit 2623

KB
July 19, 2007